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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,109	02/17/2006	Joseph Talpe	Q93288	2775

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

MERLINO, ALYSON MARIE

ART UNIT	PAPER NUMBER
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3673

MAIL DATE	DELIVERY MODE
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10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,109

Applicant(s)

TALPE, JOSEPH

Examiner

Alyson M. Merlino

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The examiner acknowledges applicant's cancellation of claims 1-9 and the inclusion of new claims 10-15 in the amendment filed 11 July 2007.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how the rotary motion of the second part is transferred to the first part through the intermediary of the connecting piece of the element shown in Figures 2 and 3 when one of the push buttons is pushed. Specifically, it is apparent from the drawings that all the buttons 4 need to be pushed in order to actuate the element, which is the main safety feature of the element. For examination purposes, the claim will be given a broad interpretation until further clarification from applicant.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Speight et al. (US-3206238).

6. In regards to claim 10, Speight et al. discloses an element (Figure 1) for opening and closing doors, gates, and windows having a first part (all components to the left of buttons 44 except portion 40, Figure 1) designed to operate a closing mechanism by rotation (Col. 2, lines 55-63), and a second rotatable part (portion 40 and all components to the right of buttons 44, Figure 1) designed to transfer a rotary motion to the first part (Col. 2, lines 70-72 and Col. 3, lines 1 and 2). Speight et al. further discloses a connecting piece 42, which is axially movable with respect to the first part (apparent from Figures 1 and 5), and a spring 30 provided between the connecting piece and the first part (Figure 1). Speight et al. also discloses that the second part is provided with at least two push buttons 44 so that when none of the push buttons is pushed, the second part is freely rotatable with respect to the first part (Col. 2, lines 55-63).

7. Speight et al. discloses that the connecting piece is provided with several inclined planes 64, (inclined surface of bulges 66, Figures 6 and 7), and the push buttons include inclined planes 63 so that when the push buttons are pushed, the inclined planes of the push buttons engage the corresponding inclined plane on the connecting piece (engagement of inclined planes 63 and 64 in Figure 6) to move the connecting piece towards the first part against the force of the spring (apparent from Figures 5 and 6). Speight et al. further discloses that the connecting piece is provided with bulges 66 which engage recesses (created by cogs 26, Figures 2, 6, and 7) provided in the first part when the connecting piece has been moved towards the first part by pushing the push buttons (movement between Figures 2, 6, and 7).

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8. In regards to claim 12, Speight et al. discloses that the element is a rotary knob (Col. 3, lines 3-8 and Figure 1).

9. In regards to claim 13, Speight et al. discloses that the push buttons are located on an outer circumference of the second part (apparent from Figures 1, 2, and 5).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 11, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speight et al. (US-3206238).

12. In regards to claim 11, although Speight et al. does not specifically state that the push buttons need to be pushed with at least a 25 Newton force in order to make the bulges engage the recesses. It would have been obvious to one of ordinary skill in the art at the time the invention was made to specify that the stiffness of the movement of the buttons be enough to require a 25 Newton force in order to enhance the security of the element. Specifically, if the device is meant to have a hard actuation or pushing of a button, in this case to keep children from actuating the element, one of ordinary skill in the art could specify that the movement of the buttons be relatively stiff so that an adult with more strength than a child would be able to push the button, thus actuating the element.

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13. In regards to claim 14, Speight et al. discloses that the element is a rotary knob (Col. 3, lines 3-8 and Figure 1).

14. In regards to claim 15, Speight et al. discloses that the push buttons are located on an outer circumference of the second part (apparent from Figures 1, 2, and 5).

Response to Arguments

15. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

16. The examiner acknowledges applicant's correction to the specification adding a reference to reference character 15, and withdraws the previous drawing objection.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alyson M. Merlino whose telephone number is (571) 272-2219. The examiner can normally be reached on Monday through Friday, 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on (571) 272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AM *AM*
September 30, 2007


JENNIFER H. GAY
SUPERVISORY PATENT EXAMINER